

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MIGUEL E. JOAQUIN,

Petitioner,

21 **CIVIL** 9372 (PAE)(SLC)

-against-

JUDGMENT

BRANDON J. SMITH,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 27, 2023, the Court has accepted and adopted Judge Cave's December 30, 2022 Report and Recommendation in its entirety and Joaquin's Petition is dismissed as time-barred. In addition, the Court has declined to issue a certificate of appealability. Joaquin has not made a substantial showing of a denial of a federal right, and appellate review is therefore not warranted. *Love v. McCray*, 413 F.3d 192, 195 (2d Cir. 2005); 28 U.S.C. § 2253. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 445 (1962); accordingly, the case is closed.

Dated: New York, New York
February 27, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk